

**IN THE SUPERIOR COURT OF WARE COUNTY,
STATE OF GEORGIA**

ISSAC CHRISTOPHER BEAGLEY GDC# 956581

Petitioner

Vs.

Civil Action No. **15V-0597**

HABEAS CORPUS

THOMAS GRAMIAK, WARDEN

Respondent

ORDER

The above named Petition for Habeas Corpus brought by Petitioner named therein pro se., is hereby ordered filed.

Let the Defendant file his responsive pleadings not more than twenty days from the date of filing of the original Petition in the Office of the Clerk of Superior Court.

The final hearing date has not yet been set for this case. You will be notified by this office of the hearing date.

Respondent, **THOMAS GRAMIAK**, is hereby ordered to produce **ISAAC CHRISTOPHER BEAGLEY**, the petitioner, at such hearing. The Clerk of Ware Superior Court is directed to mail a copy of the Order to:

Petitioner, Ware State Prison
3620 North Harris Road
Waycross, Ga. 31501

State Attorney General's Office
40 Capitol Square SW
Atlanta, Ga. 30334-1300

Warden, Ware State Prison
3620 North Harris Road
Waycross, Ga. 31501

SO ORDERED THIS 14TH DAY OF SEPTEMBER, 2015.

FILED IN OFFICE THIS 14 DAY
OF September 20 15
Walter H. Smith CLERK
WARE COUNTY

Walter H. Smith
CLERK SUPERIOR COURT
WAYCROSS JUDICIAL CIRCUIT

IN THE SUPERIOR COURT OF WARE COUNTY
STATE OF GEORGIA

ISAAC CHRISTOPHER BEASLEY

G.O.C. # 956581,
Inmate Number

Petitioner

Civil Action No. 15K-0597

WARE STATE PRISON,
Warden

vs.

Habeas Corpus

TOM GRAMEAK,
Respondent

(Name of Institution where you are now located)

PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

1. Name, county, and court which entered the judgment of conviction under attack:

Superior Court of DeKalb County

2. Date of conviction: October 24th 2012

(Please Note: O.G.C.A. § 9-14-42(c) mandates that applications for writ of habeas corpus must be filed within a certain time. Please see Instructions (7) for more information.)

3. Length of sentence(s): Life in Prison

4. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? ☒ Yes ☐ No

5. Name of offense(s). List all counts: Rape, Agg. Sodomy, Kidnapping w/ bodily injury; Agg. Assault

6. What was your plea? Please check one:

- ☐ Guilty
☐ Guilty but mentally ill
☐ Nolo contendere
☒ Not guilty

If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details: _____

7. Kind of trial. Please check one:

- ☒ Jury
☐ Judge only

8. Did you testify at the trial? ☐ Yes ☒ No

9. Did you appeal from the conviction? ☒ Yes ☐ No

10. If you did appeal, answer the following:

Name of appellate court to which you appealed: Court of Appeals

Result of appeal: Affirmed

Date of result: March 16th 2015

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this conviction in any state or federal court?
☐ Yes ☒ No

12. If you answer to 11 was "Yes," give the following information: (Note: If more than three petitions, please use a separate sheet of paper and use the same format to list them.)

A. Name of court and case number: N/A

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? ☐ Yes ☐ No Did witnesses testify? ☐ Yes ☐ No

Name of Judge: _____

Result: _____

Date of Result: _____

B. As to any second petition, application or motion, give the same information.

Name of court and case number: N/A

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? ☐ Yes ☐ No Did witnesses testify? ☐ Yes ☐ No

Name of Judge: _____

Result: _____

Date of Result: _____

C. As to any third petition, application or motion, give the same information.

Name of court and case number: N/A

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? ☐ Yes ☐ No Did witnesses testify? ☐ Yes ☐ No

Name of Judge: _____

Result: _____

Date of Result: _____

- D. Did you appeal to the Georgia Supreme Court or the Georgia Court of Appeals from the result taken on any petition, application, or motion listed above?

First petition, application or motion: ☐ Yes ☒ No

Second petition, application or motion: ☐ Yes ☒ No

Third petition, application or motion: ☐ Yes ☒ No

- E. If you did not appeal from the denial of relief on any petition, application or motion, explain briefly why you did not: I was given Appeal Counsel; so

that these fundamental Rights would be robbed
of me.

- F. If you appealed to the highest state court having jurisdiction, did you file a petition for certiorari in the United States Supreme Court to review the denial of your petition by the Georgia Supreme Court or the Georgia Court of Appeals? ☐ Yes ☒ No

13. Do you have any petition or appeal now pending in any court, either state or federal, as to the conviction under attack? ☐ Yes ☒ No

14. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

At preliminary hearing: _____

At arraignment and plea: Robert Allen Glickman - Retained Counsel,
raglaw@gmail.com

At trial: Robert Allen Glickman - Retained Counsel,
raglaw@gmail.com

At sentencing: Robert Allen Glickman - Retained Counsel,
raglaw@gmail.com

On appeal: Gerard Kleinpicks
120 West Trinity Place / Decatur, Ga. 30030

In any post-conviction proceeding: N/A

On appeal from any adverse ruling in a post-conviction proceeding: N/A

15. Do you have any other sentence, either state or federal, to serve after you complete the sentence imposed by the conviction under attack? ☐ Yes ☒ No

PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you no claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. In necessary, you may attach pages stating additional grounds and facts supporting the same.

1.

GROUND ONE: Ineffective Assistance of Appellate Counsel for a failure to Raise a claim he was keenly aware of; that would have rendered a different Result.

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law):

Both an E-mail from Appeal Counsel; on Oct. 22nd 2013 and the Oct. 22nd 2013 filed Amended Motion for New Trial. Plainly reveals the Claim that was raised as #4; but not apart of the hearing or Direct Appeal.

2.

GROUND TWO: Appellate Counsel was ineffective by NOT raising the Claim of Trial Counsel providing the full range of Sentence, that Trial would subject him to.

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law):

The Sentence Transcript, provides clear & convincing evidence that Trial Counsel was unaware of the possible sentence the Petitioner could receive; and therefore it would also be clear that Counsel was unable to provide adequate advise, & this failure harmed him.

GROUND THREE: Trial Counsel; failed to adequately inform Petitioner; of the terms and Conditions that rejecting the States Offer of the 20 do 10 plea; would, subject him to a Life Sentence.

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law):

The Sentencing Transcript, plainly shows that; Trial Counsel was unaware of the range to a Life Sentence, thus proves, he could NOT inform Petitioner of that possibility at the Plea Stage.

4.

GROUND FOUR: _____

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law): _____

PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

All Grounds Raised; by the result of
the Ineffective Assistance of Appellate
Counsel. Reserves to Raise additionally, by Amended Petition.

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

 Date

 Signature and Address of Petitioner's
 Attorney (if any attorney)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on

Date

8-24-2015

Isaac Beah
 Signature of Petitioner

Sworn to and subscribed before me this
21 day of Sept, 2015

Valerie H. [Signature]
 Notary Public or Other Person Authorized to Administer Oaths

My Commission Expires April 26, 2019

Please note that under O.C.G.A. §9-14-45 service of a petition of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the district attorney of the county in which the petition is filed. Service upon the Attorney General or the district attorney may be had by mailing a copy of the petition and a proper certificate of service.